

specialized unit was given, nor was the acronym CCU/WWU defined. The appellants request that the results be discarded, application fees be returned, and that Position Classification Questionnaires which were submitted be “treated with due regard to all CCU/WWU Staff and for the Unit as a whole.”

CONCLUSION

The record establishes that appellants took the subject examination on September 27, 2018. Pursuant to *N.J.A.C.* 4A:4-6.4(a), candidates for multiple-choice examinations must, within five business days after the examination has been held, contact the Civil Service Commission (Commission) to make an appointment to review the keyed test booklet. Within five business days after the date of review, or within five business days of the examination date for those candidates who chose not to review, candidates can file appeals in writing against the keyed responses, job-relatedness, or appropriateness of test content. The record further establishes that none of the appellants scheduled for a review of the test booklet, and they filed identical appeals regarding examination validity issue on November 20, 2018, weeks after receiving examination results. Under these circumstances, these appeals are clearly untimely and are dismissed solely on those grounds. Additionally, Ms. Walker’s appeal is also moot as she ranks first on the eligible list, with a final average of 86.830. Nevertheless, even assuming *arguendo* that the appellants filed timely validity appeals, a review of the merits of this appeal shows that they are not entitled to any relief.

For this examination, a job analysis was performed for this title in accordance with accepted psychometric principles. The results of this analysis identified the knowledge, skills and abilities (KSAs) necessary to successfully perform the duties of the position under examination, and the questions were designed to test these KSAs. The test content is based on the job analysis performed for the title, and it is not geared to specific duties of particular positions or postings. Rather, the test content must fairly test all candidates who meet the requirements to be eligible to take the examination and measure the KSAs for the general duties of the title. Further, only those KSAs that are brought to the job can be tested. KSAs that can be learned on the job are not evaluated before starting the job. It also is not designed to test the expertise of a single individual. In this case, a thorough and comprehensive job analysis was performed, and a panel of two Subject Matter Experts (SMEs) were consulted to provide input on the KSAs to be tested in this examination. Each subtest, or set of questions, tested the qualifying KSA’s that were brought to the job, and new research items were developed for the examination. In view of the job analysis, there is no basis to conclude that the test questions were not job-related or were otherwise improper, and the appellants have presented no evidence that contradicts the validity and job-relatedness of the test questions.

N.J.A.C. 4A:4-2.2(a) charges the Commission to administer examinations for appointment in the competitive division of the career service, and candidates are required to demonstrate their knowledge, skills, and abilities in a competitive test situation. Meeting the minimum qualifications allows the candidates the opportunity to take the examination, but does not entitle them to pass. In that regard, experience that the appellants described on appeal has no bearing on this determination. To pass this examination, candidates were required to correctly answer at least 46 questions and each appellant passed. The options listed for each question include one correct answer and various options intended to be incorrect. In this way the questions differentiate among the candidates based on the amount of knowledge they possess for a given subject matter. All candidates who appeared for the examination were given the same examination, and the scores of all the candidates indicated that they possess the minimum characteristics necessary to do the job.

Next, *N.J.A.C.* 4A:4-2.17(e) states that the application fee is for processing purposes only and does not guarantee admittance to an examination or appointment to a position. The fee shall not be refunded for any reason except untimely filing of the application or cancellation of the examination.

According to *N.J.A.C.* 4A:4-2.2, the Civil Service Commission has the authority to determine the most appropriate selection instrument to use in assessing candidates in a given competitive title. For the subject announcement, a decision was made to select individuals for appointment by using the administered multiple-choice examination. Candidate dissatisfaction with the test results is not a reason to re-administer an examination with a different test mode.

A few other issues are of note. While the appellants' arguments are not very clearly stated, they mention Position Classification Questionnaires, which are classification matters and are not germane to an appeal of examination validity. Also, the appellants shared their arguments with others. Two other appeals were received, one from an applicant who did not appear for the examination, and one from a non-applicant. They signed letters identical to those submitted by the appellants, and those individuals were informed that they have no standing to appeal the validity of this examination. Nevertheless, each general multiple-choice examination booklet has the following message on the front:

Note: Candidates who are unable to take this exam today may qualify for a make-up exam at a later date. In order to ensure that they do not gain an unfair advantage over candidates taking the exam today, Merit System rule 4A:4-2.10 prohibits candidates from providing any information about the content of any exam to anyone for any reason. Candidates who discuss or provide written transcriptions or recorded exam content information to anyone will be disqualified from this

exam, possibly rejected from future exams, and subject to punishment as provided by law. Allegations of violations will be thoroughly investigated and appropriate action will be taken. You must sign the Candidate Signature line below to indicate that you understand this notice, to affirm that you have no knowledge of the specific content of this examination, and that you agree not to provide any exam content information to anyone.

Candidates were also required to sign that, "...In addition, I have read and understand the above statement regarding the make-up process." There were two candidates who filed for the examination and did not appear. In this regard, the candidates have admitted that they shared at least the appealed examination information with at least one potential make-up candidate. The appellants are reminded that *N.J.A.C. 4A:4-2.10(c)* states that anyone participating in a prohibited action shall be disqualified from the examination and may be rejected from future examinations and subject to punishment as provided by law.

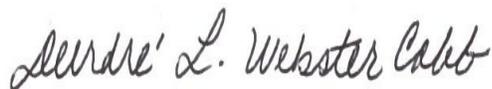
A thorough review of the record indicates that the determinations of the Division of Test Development and Analytics was proper and consistent with Civil Service regulations, and that appellants have not met their burden of proof in these matters.

ORDER

Therefore, it is ordered that these appeals be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12th DAY OF FEBRUARY, 2020



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